

SEP. 14. 2001 11:54AM

NO. 863 P. 5/22

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August 6, 2001

Box CPA
Commissioner for Patents
Washington, D.C. 20231

Re: Attorney Docket No.: JHU1180-1

This paper is a request for a continued prosecution application under 37 C.F.R. § 1.53(d) of:

Applicant: David Sidransky
Title: NUCLEIC ACID MUTATION DETECTION IN HISTOLOGIC TISSUE
Prior U.S. Application No.: 08/181,664
Filing Date: January 14, 1994

The prior application was complete as defined by 37 C.F.R. § 1.51(b).

This request for a CPA is the reference to the prior application noted above as required by 35 U.S.C. § 120. Kindly abandon the prior application in favor of the continued proceedings that are requested herein. Please enter the Preliminary Amendment submitted herewith.

The prior application is assigned of record to THE JOHNS HOPKINS UNIVERSITY SCHOOL OF MEDICINE, by virtue of an Assignment submitted to the Patent and Trademark Office for recording on April 1, 1994 at Reel No. 6953 and Frame No. 0643.

"EXPRESS MAIL" Mailing Label Number: EL 476 995 590 US
Date of Deposit: August 6, 2001
I hereby certify under 37 CFR 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

MIKHAIL BAYLEY

Mikhail Bayley

SILICON VALLEY SAN DIEGO SAN DIEGO/GOLDEN TRIANGLE SAN FRANCISCO AUSTIN SEATTLE SACRAMENTO

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104659-158556

GRAY CARY WARE & FREDENRICH LLP**JHU1180-1****BOX CPA****Washington, D.C. 20231****August 6, 2001****Page Two**

This request includes Three (3) sheets, and the following:

- Preliminary Amendment (13 pages);
- Check Nos. 485661 and 485664 in the amounts of \$1,100.00 and \$366.00, respectively; and
- Return Receipt Postcard.

The entire disclosure of the prior application is considered as being part of the disclosure of accompanying application and is incorporated by reference.

The filing fee has been calculated as shown below:

	Number Filed		Number Extra		Rate		Fee	
					Large Entity	Small Entity	Large Entity	Small Entity
Total Claims	27 (20)	=	7	X	\$18	\$09	= \$ 126.00	\$.00
Independent Claims	6 (3)	=	3	X	\$80	\$40	= \$ 240.00	\$.00
Multiple Dependent Claims Presented: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					\$270	\$135		\$.00
BASIC FEE							\$710.00	\$355.00
TOTAL FEE							\$1076.00	\$.00

Enclosed are Check Nos. 485661 and 485664 in the total amounts of \$1,100.00 and \$366.00 which consist of \$710.00 for the basic filing fee; \$390.00 for a two month extension of time fee; and \$366.00 for seven (7) additional claims fee in excess of 20 total claims and three (3) additional independent claims fee in excess of 3 independent claims. Please apply any other required fees or any credits to Deposit Account No.: 50-1355, referencing the attorney docket number shown above.

If this application is found to be INCOMPLETE, or if a telephone conference would otherwise be helpful, please call the undersigned at (858) 677-1456.

GRAY CARY WARE & FREIDENRICH LLP

JHU1180-1

BOX CPA

Washington, D.C. 20231

August 6, 2001

Page Three


Kindly acknowledge receipt of this application by returning the enclosed postcard.

Please send all correspondence to:

Lisa A. Haile, J.D., Ph.D.
Gray Cary Ware & Freidenrich LLP
4365 Executive Drive, Suite 1600
San Diego, CA 92121-2189
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

Respectfully submitted,

GRAY CARY WARE & FREIDENRICH LLP



Lisa A. Haile, J.D., Ph.D.
Registration No. 38,347

August 6, 2001

Date

LAH/RJI:ag
Enclosures



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104659-158556 (JHU1180-1) LAH/RJT:ag		BOX CPA	
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EXPRESS MAIL LABEL NO.: EL 476 995 590 US PATENT ATTORNEY DOCKET NO.: JHU1180-1 The Patent and Trademark Office date stamp sets forth the receipt date of: Applicant or Patentee: David Sidransky Application Serial No.: 09/420,433		the DE one) TRACT ne (2 pgs)
EXPRESS MAIL LABEL NO.: EL 476 995 590 US PATENT ATTORNEY DOCKET NO.: JHU1180-1 The Patent and Trademark Office date stamp sets forth the receipt date of: Applicant or Patentee: David Sidransky Application Serial No.: 09/420,433 Title: NUCLEIC ACID MUTATION DETECTION IN HISTOLOGIC TISSUE <input checked="" type="checkbox"/> Transmittal Letter (3 pgs) NEW CIP CONT DIV <u>[CPA]</u> (circle one) <input type="checkbox"/> Appln <input type="checkbox"/> pgs of SPEC <input type="checkbox"/> pgs of CLAIMS <input type="checkbox"/> Total CLAIMS <input type="checkbox"/> pgs of ABSTRACT <input type="checkbox"/> Appln Cover Sheet (pg) <input checked="" type="checkbox"/> Petition for Extension of Time (2 pgs) <input checked="" type="checkbox"/> Checks: \$1,100.00 and \$366.00 (Check Nos. 485661, 485664) <input type="checkbox"/> Drawings: Sheets (formal/informal) <input type="checkbox"/> Declaration (copy) (1pg.) <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Power of Attorney (pg.) <input type="checkbox"/> Assignment/Recordal Cover Sheet (pg.) <input type="checkbox"/> Information Disclosure Statement (2 pgs.) <input type="checkbox"/> Form PTO-1449 (3 pg.) <input type="checkbox"/> Number of Prior Art References: <input type="checkbox"/> Sequence Listing (pg.) <input type="checkbox"/> Declaration (pg.) <input type="checkbox"/> Verified Statement (pg.) <input type="checkbox"/> Disk <input checked="" type="checkbox"/> Other: Preliminary Amendment (1 pg.) and Return Receipt Postcard Date Mailed: 8/6/01 Atty/Sec Initials: LAH/RK Lag Check Matter No.: 104659-158556 Date Due: ---		the S (stamp) iled: 8/6/01 ---

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NO. 863 P. 10/22

PATENT
ATTY. DOCKET NO. JHU1180-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David Sidransky Art Unit: 1655
Application No.: 09/420,433 Examiner D. Johannsen
Filed: October 12, 1999
Title: NUCLEIC ACID MUTATION DETECTION IN HISTOLOGIC TISSUE

Box CPA
Commissioner of Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Sir:

In connection with the Request for a Continued Prosecution Application filed herewith, and responsive to the Office Action mailed March 7, 2001 (Paper No. 8) mailed in connection with the parent application and the telephone conference held with the Examiner on June 20, 2001, entry of the amendment and consideration of the following remarks are respectfully requested.

"EXPRESS MAIL" Mailing Label Number: EL 476 995 590 US

Date of Deposit: August 6, 2001.

I hereby certify under 37 CFR 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to Box CPA, Commissioner for Patents, Washington, DC 20231

MICHAEL BAYLEY

Signature